S.B. Civil Writ Petition No.1782/06
Rajesh Meghwal Vs. J.V.V.N.L & Ors.

Date of Order : 05/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ashwani Chobisa, for petitioner

As alleged in the petition, petitioner is son of deceased Bhanwar Lal Meghwal, who while serving as Helper Gr.II died on 23rd June, 1993. For the first time, application was submitted seeking compassionate appointment on 18th September, 2000 which has been examined by the respondents at their end and decision was communicated to the petitioner rejecting application vide order Ann.6 dt.12th April, 2004. Hence, this petition.

Counsel for petitioner contends that at the time when petitioner's father died, he was minor and immediately on attaining majority, he submitted application in September, 2000. As such, very rejection made by the respondents vide order Ann.6 by a non-speaking order is wholly arbitrary and such action is in violation of Article 14 of the Constitution.

I have considered the submission made by the counsel and perused the material.

It is true that whole object of granting compassionate employment is thus to enable the family to tide over sudden crisis and to relieve the family from financial destitution, which it faced at the time of death of sole breadwinner.

The petitioner's father served for more than pensionable period terminal benefits for intervening period must have been paid to him. Application, in my opinion, cannot be considered after such an inordinate delay of 7 years, particularly when the family must have meted out the financial crisis, if there was any and post cannot be kept vacant till the incumbent attains majority. There is no provision brought to my notice under the relevant rules where the incumbent can submit application after attaining majority for seeking appointment and apart from it, rejection impugned in the present writ petition is of 12th April, 2004 which has been challenged in January, 2006.

I do not find any merit in the present writ petition and the same stands dismissed.

[Ajay Rastogi],J.

FRB